

AMENDED IN SENATE APRIL 7, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 509

Introduced by Senator Florez

February 18, 2005

An act to add Section 105207 to the Health and Safety Code, relating to pesticide.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Florez. Pesticide: notification.

Existing law provides that pesticide applications on public property that take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable shall be posted with signs in English and Spanish that contain a warning that the area has been treated with a pesticide and that individuals are not to enter the area. Existing law provides that a local health officer may request assistance by the State Department of Health Services to conduct an epidemiologic investigation of serious pesticide poisoning, an outbreak in pesticide poisoning, or any disease or condition caused by pesticide poisoning.

This bill would require the ~~operator of~~ *county agricultural commissioner of a county in which* property on which any aerial pesticide application is to occur *is located*, to provide written notification, as specified, to all individuals who are at-risk of coming into contact with that pesticide at locations within one mile from the application site. This bill would require the notification to be received at least 24 hours before the application, and to include contact information for the applicator and a description of the pesticide being applied. *This bill would also require county agricultural commissioners to work with the Office of Environmental Health*

Hazard Assessment to minimize pesticide contact by members of the public and avoid the use of particularly deleterious pesticides when possible.

Because this bill would require local officials to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 105207 is added to the Health and
2 Safety Code , to read:

3 105207. (a) ~~The operator of agricultural commissioner of a~~
4 ~~county in which~~ property on which any aerial pesticide
5 application is to occur ~~is located~~, shall provide written
6 notification to all individuals who are at-risk of coming into
7 contact with that pesticide at all locations, including, but not
8 limited to, residences, businesses, schools, whether in session or
9 out of session, day care centers, labor camps, hospitals, health
10 clinics, and nursing homes, within one mile from the application
11 site.

12 (1) The notification must be received by the individuals who
13 are at-risk of coming into contact with the pesticide at least 24
14 hours before the pesticide application.

15 (2) The notification shall include contact information for the
16 applicator, a description of the pesticide being applied, the
17 telephone number of local emergency services during and after
18 office hours, and information on the public's rights regarding
19 pesticide drift and pesticide poisoning.

20 (3) Notification shall be made in English and Spanish unless
21 deemed unnecessary by the director.

1 (b) The secretary, director and commissioner shall enforce the
2 provisions of this section and any regulations adopted pursuant to
3 it.

4 (c) *County agricultural commissioners shall work with the*
5 *Office of Environmental Health Hazard Assessment to minimize*
6 *pesticide contact by members of the public and avoid the use of*
7 *particularly deleterious pesticides when possible.*

8 *SEC. 2. If the Commission on State Mandates determines that*
9 *this act contains costs mandated by the state, reimbursement to*
10 *local agencies and school districts for those costs shall be made*
11 *pursuant to Part 7 (commencing with Section 17500) of Division*
12 *4 of Title 2 of the Government Code.*